

Remarks:

Claims 28-46 and 48-55 remain pending in the application after amendment herein and are presented for examination. The Applicants have amended certain claims, as indicated above and as discussed below, to highlight aspects of the present invention and to address the claim rejections under §102(b) and §103(a) set forth in the Office Communication. Accordingly, the Applicants respectfully request withdrawal of the claim rejections and allowance of the application in view of the presented claim amendments and the following remarks.

Response to Claim Rejections Under 35 U.S.C. 102(b):

**Claims 28-34, 41-43 and 46-55**

Claims 28-34, 41-43 and 46-55 are rejected under 35 U.S.C. 102(b) as unpatentable over Eneborg (WIPO Publication Number W/O 0135585A).

The cited Eneborg WIPO publication discloses techniques for connecting an end device to one of a plurality of network access devices that provide access to a corresponding network. But for the end device to access different networks, it must possess a network terminating device for each network. Such network terminating devices may be unique to the network that they can access. Thus the end device must include a network terminating device for each network it is desired to access or the end device may access the desired network indirectly through an indirect interface that in turn communicates with a network terminating device, which then communicates with the desired network access. To determine which of the available networks to access, the end device stores current information about the network access in local memory and compares this information to user preferences.

Claim 28 of the present application has been amended, as set forth above to patentably distinguish the Eneborg reference. In particular, claim 28 now refers to network access information that has been determined “during earlier network connections via different network accesses.” Support for this amendment can be found at page 9, lines 13-15 where the Applicants refer to the “quality of earlier network connections.” In contrast to this claim language, at page 10, lines 3-7 Eneborg refers only to current network information about the network accesses available. Note that Eneborg also refers to transfer of this information from Eneborg’s access network terminating device 220 to the end device 210. Within the latter, user preferences stored in block 211 are compared in block 212 with the network access available. See Eneborg Figure

2. But the Applicants claim use of both user-selected parameters and objective parameters in the “selecting a network access” step of claim 28.

Continuing with the limitations added to claim 28, the Applicants’ claim element of the network access information stored in the telecommunication terminal or an additional telecommunication terminal is supported by such references in lines 11-20 of page 9 and lines 1-4 of page 10. The claim reference to use of the data exchange network for accessing the network information stored in the other telecommunication terminals is supported by the Applicants’ text at page 7, lines 7-11. There is no reference in Eneborg to the use of information collected by other networks or the exchange of that information over a data exchange network.

It is noted that the Applicants have added a reference to a data exchange network to claim 28, “the network access information stored in the additional telecommunication terminal is accessible to the telecommunication terminal via a data exchange network.” This limitation was taken from now-cancelled claim 47.

The Examiner refers to Eneborg’s page 7, lines 18-23 in the rejection of Applicants’ original claim 47. But this reference to Eneborg appears to bear no relevance to the exchange of network access information over a data exchange network. Instead, this reference to Eneborg, on careful inspection, refers to an access to an IP network through an indirect interface. Perhaps the Examiner was referring to the differences between an indirect and a direction connection to the network, as Eneborg explains in the cited paragraph. But the Applicants claim the use of a date exchange network (which the Applicants admittedly refer to as a “direct” connection at line 3 on page 7) that permits the telecommunication terminal to access the network access information stored in other telecommunication terminals. This claim language (as present in previously presented claim 47 and in currently amended claim 28) is very different from a telecommunication terminal communicating directly or indirectly with a network. The only common thread in the Applicants’ claim language and the cited Eneborg text is the use of the word “direct.”

Continuing with claim 28, the Applicants now claim specific limitations in the event the telecommunication terminal comprises a mobile telecommunication terminal. Support for these limitations can be found at page 10, line 12.

In the claim 28 step of “selecting a network access” the Applicants now claim “the selected network access for providing access to an Internet node, the telecommunication terminal

including a network interface for use with the selected network access.” This amendment is supported by the material at page 4, lines 12-20 and page 5, lines 15-20 of the application. The added phrase eliminates the possibility of indirect access to the network access as disclosed by Eneborg at lines 18-26 on page 7.

The claim 28 reference to user-selected parameters and objective parameters is supported by the Applicants’ text at page 4, lines 1-4 and page 5, lines 1-10. By contrast, Eneborg selects a network access based on a match between his user preferences and network access information. Eneborg references user-preferences at page 12, line 12 where they are described as input via keyboard or voice. Eneborg continues, describing the “best” network access because of the type of access networking terminating devices found on the end device and the users preferences. See Eneborg at page 11, lines 23-25. But the Applicants also look at historical (i.e., earlier) operating parameters as claimed in the amended claim 28 and objective parameters in selecting the network access.

Finally, the Applicants’ claim selecting an Internet service provider as supported by lines 7-12 on page 4.

Given the presented amendments to claim 28 and the above remarks, the Applicants suggest that claim 28 is allowable and respectfully request allowance of the claim.

Dependent claims 29-34, 41-43 and 46-52 depend directly or indirectly from claim 28. The Applicants respectfully submit that these claims (note that cancelled claim 47 has been omitted from the list), each include one or more elements that further distinguish the invention over the art of record. The allowance of these claims is therefore respectfully requested. The dependency of claims 48-50 has been amended due to the cancellation of claim 47.

Apparatus independent claim 53 has been amended in a manner similar to the amendments to method claim 28. Thus the remarks offered for claim 28 apply to claim 53 and claim 53 is considered allowable over the Eneborg reference.

Dependent apparatus claims 53 and 54 depend directly from claim 53. The Applicants respectfully submit that these claims are also allowable over the cited art.

Response to Claim Rejections Under 35 U.S.C. 103(a):

**Claims 35-40**

Claims 35-40 are rejected under 35 U.S.C. 103(a) as unpatentable over Eneborg in view of Muller (6356541).

Claims 35-40 are dependent claims depending directly or indirectly from method independent claim 28. Thus the Applicants respectfully submit that these claims are also allowable over the cited art for the same reasons claim 28 is allowable over the cited art.

**Claims 44 and 45**

Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as unpatentable over Eneborg in view of Tayloe (5826188).

Claims 44 and 45 are dependent claims depending directly or indirectly from method independent claim 28. Thus the Applicants respectfully submit that these claims are also allowable over the cited art for the same reasons claim 28 is allowable over the cited art.

Claim 44 has also been amended. The claim now states that the location information “is determined from the selected network access provider using a service provided by a network access provider.” Support for this amendment to the claim can be found at application page 5, lines 21-23. This amendment distinguishes the Eneborg/Tayloe combination. In the cited text, Tayloe merely mentions the use of various techniques for determining the location of the subscriber unit, but does not describe the techniques as a service provided by the network access provider. In fact, the services mentioned by Tayloe are available to all users, without subscribing to a specific network access provider.


Serial No. 10/532,174  
Atty. Doc. No. 2002P17649WOUS

Conclusion

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 7/10/08

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